

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 3:06-CR-151-MEF
)	
JEFFREY DOUGLAS COSBY)	

UNOPPOSED MOTION TO CONTINUE EVIDENTIARY HEARING

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully requests a continuance of the evidentiary hearing in this case. In support thereof, we would show the following:

1. An evidentiary hearing is set in this case for August 3, 2006 at 1:00 p.m.
2. The parties made the Court aware at the Pre-trial Conference held on July 17, 2006, that additional evidence would be provided to the defense and based upon representation and belief of the parties, additional or supplemental motions would need to be filed by the defense upon receipt and review of that discovery, to include a Supplemental Motion to Suppress.
3. The government has, today, received a report of a forensic examination of electronic equipment, computer hardware and software, seized pursuant to a search warrant executed at the residence of the defendant, and is in the process of copying and distributing it to the defendant. The undersigned AUSA has been told that a cd/dvd, containing additional evidence, will be sent to the government by August 4, 2006.
4. The parties agree that in the interest of judicial economy and the right of the parties to have a fair and complete judicial process, the evidentiary hearing should be continued to allow the parties an opportunity to review new evidence and supplement motions and responses,

accordingly.

5. The undersigned has contacted Kevin L. Butler, attorney for defendant, and believes that he has no objection to this request.

6. The defendant will not suffer any prejudice should the Court grant this motion.

For the reasons stated above, the United States requests that this Honorable Court grant a continuance of the evidentiary hearing in this case, currently set for August 3, 2006 at 1:00 p.m.

Respectfully submitted this the 2nd day of August, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Kevin L. Butler.

Respectfully submitted,

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

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